

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DONALD E. BIBLE,	§
	§ No. 743, 2010
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 0501015134
Plaintiff Below-	§
Appellee.	§

Submitted: December 8, 2010

Decided: January 24, 2011

Before **HOLLAND, BERGER**, and **JACOBS**, Justices

ORDER

This 24th day of January 2011, upon consideration of the appellant’s opening brief, the State’s motion to affirm, and the record below, it appears to the Court that:

(1) The appellant, Donald Bible, filed this appeal from the Superior Court’s denial of his “Motion to Amend Court Order for Credit Time.” The State has filed a motion to affirm the judgment below on the ground that it is manifest on the face of Bible’s opening brief that his appeal is without merit. We agree and affirm.

(2) The record reflects that Bible was indicted in 2005 on 111 criminal offenses, including 29 counts of first degree rape. At the time the indictment was

issued, Bible already was in federal custody for other criminal charges. He was returned to Delaware on January 31, 2006 through the Interstate Agreement on Detainers (IAD).¹ Bible entered a guilty plea on October 2, 2006 to one count each of first degree rape, third degree rape, and continuous sexual abuse of a child. The Superior Court sentenced him to a total period of thirty-five years at Level V incarceration. On October 31, 2006, the Superior Court entered a modified sentencing order reflecting that Bible's Delaware sentence would begin upon the completion of his federal sentence on January 18, 2010. Bible did not file a direct appeal. Instead, he filed several unsuccessful motions seeking withdrawal of his guilty plea, modification of his sentence, and postconviction relief.²

(3) In his latest motion, Bible requested modification of his Delaware sentence to include 316 days of credit for time served in Delaware under the IAD before he pled guilty and was sentenced by the Delaware Superior Court. The Superior Court denied his motion on November 10, 2010. This appeal followed.

(4) Having carefully considered the parties' respective positions on appeal, we find no merit to Bible's argument. Bible was a sentenced federal inmate during the time period from January 31, 2006 to December 13, 2006. Although he was held in custody in Delaware pursuant to the IAD, the time he spent incarcerated in Delaware was credited toward his federal sentence. Under

¹ DEL. CODE ANN. tit. 11, § 2540, *et seq.* (2007).

² *See Bible v. State*, 2010 WL 2680542 (Del. July 7, 2010).

Delaware law, no prison sentence may run concurrently with any other prison sentence.³ The prosecutor's statement at Bible's sentencing indicating that his sentence should run from January 31, 2006 was simply wrong. The Superior Court's amended sentencing order dated October 31, 2006 properly reflected that Bible's Delaware sentence would not begin to run until he completed his federal prison term. Bible simply is not entitled to double credit for the time he spent in Delaware custody serving his federal sentence.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

³ DEL. CODE ANN. tit. 11, 3901(d) (2007).